

# Senate Daily Reader

# Wednesday, February 15, 2012

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# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

400T0293

## HOUSE EDUCATION ENGROSSED NO. **HB 1005** - 1/25/2012

Introduced by: The Committee on Education at the request of the Department of Education

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the excuse from  
2 attendance of children receiving alternative instruction.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 13-27-7 be amended to read as follows:

5 13-27-7. All applications for excuse from school attendance for the reasons provided in  
6 § 13-27-3 shall be on a standard form acknowledged before a notary or two witnesses. The form  
7 shall be provided by the secretary of the Department of Education. ~~If the application is granted,~~  
8 ~~a~~ A certificate of excuse ~~also provided by the secretary of the Department of Education~~ shall be  
9 ~~issued by the president of the school board having jurisdiction over the district in which the~~  
10 ~~child has school residence~~ included as part of the application and is effective upon the filing of  
11 the application with a school official, without the necessity of school board action, subject to  
12 revocation thereafter as provided in this chapter. The certificate of excuse shall be for a period  
13 not to exceed one year and shall state the reason for the excuse is that the child will receive  
14 alternative instruction. Upon a showing by the secretary of the Department of Education that a  
15 child excused from school attendance pursuant to § 13-27-3 is not being instructed in



1 compliance with § 13-27-3, the school board may immediately revoke the child's certificate of  
2 excuse.

3 All test scores required by § 13-27-3 shall be kept on file in the public school of the district  
4 where the child has school residence as defined in § 13-28-9. If subsequent achievement test  
5 results reveal less than satisfactory academic progress in the child's level of achievement, the  
6 school board may refuse to renew the child's certificate of excuse.

7 Section 2. That § 13-27-9 be amended to read as follows:

8 13-27-9. A permanent record of all certificates of excuse shall be kept in some safe place  
9 as determined by the school board. Any certificate of excuse of a pupil receiving alternative  
10 instruction pursuant to § 13-27-3 ~~shall be kept~~ is confidential after approval of the school board  
11 ~~pursuant to § 13-27-2~~. Copies of any certificate of excuse shall be forwarded to the secretary of  
12 the Department of Education. Copies of any certificates of excuse shall also be forwarded to the  
13 place where the child is instructed. The copies shall be forwarded within thirty days of issuance.

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

400T0270

## HOUSE TAXATION ENGROSSED NO. **HB 1029** - 1/31/2012

Introduced by: The Committee on Taxation at the request of the Department of Revenue

1 FOR AN ACT ENTITLED, An Act to authorize the publication of the names of certain  
2 delinquent taxpayers.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 10-59 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 The secretary of revenue may prepare a list of at least one hundred delinquent persons who  
7 owe the largest amount of tax for chapters 10-45, 10-45D, 10-46, 10-46E, 10-46A, 10-46B,  
8 10-52, 10-52A, 10-58, and 10-33A and § 32-5B-20, and that are delinquent in the payment of  
9 tax for chapters 10-45, 10-45D, 10-46, 10-46E, 10-46A, 10-46B, 10-52, 10-52A, 10-58, and  
10 10-33A and § 32-5B-20 to the department, if a lien has been filed against the person. The list  
11 shall include at least the top one hundred persons with total delinquent final liabilities for tax  
12 in chapters 10-45, 10-45D, 10-46, 10-46E, 10-46A, 10-46B, 10-52, 10-52A, 10-58, and 10-33A  
13 and § 32-5B-20, including penalties and interest. The list shall contain the person's name; the  
14 business name, if any; address; and the amount of total tax, penalties and interest outstanding  
15 of each delinquent person.



Section 2. That chapter 10-59 be amended by adding thereto a NEW SECTION to read as follows:

At least ninety days before the disclosure of the name of a delinquent person prescribed in section 1 of this Act, the secretary of revenue shall mail a written notice to the delinquent person at that person's last known address informing the person that the failure to resolve the tax delinquency could result in the person's name being included in a list of delinquent persons that is published on the internet on a web site maintained by the department pursuant to this Act. If the delinquent tax has not been paid within ninety days after the notice was mailed, and the person has not, since the mailing of the notice, either paid the delinquent tax or entered into a written agreement with the department for payment of the delinquency or corrected a default in an existing agreement to the satisfaction of the secretary, the secretary may disclose the tax delinquency in the list of delinquent persons.

Section 3. That chapter 10-59 be amended by adding thereto a NEW SECTION to read as follows:

No unpaid taxes are subject to disclosure described in section 1 of this Act if:

- (1) A written agreement for payment exists without default between the person and the department; or
- (2) The tax liability is the subject of an administrative hearing, administrative review, judicial review, or an appeal of any such proceedings.

Section 4. That chapter 10-59 be amended by adding thereto a NEW SECTION to read as follows:

The list described in section 1 of this Act shall be available for public inspection at the Department of Revenue and shall be published on the internet on a web site maintained by the department.

1       Section 5. That chapter 10-59 be amended by adding thereto a NEW SECTION to read as  
2 follows:

3       The name of a person on the list described in section 1 of this Act shall be removed within  
4 ten days after the delinquent debt payment has been processed by the department.

5       Section 6. That chapter 10-59 be amended by adding thereto a NEW SECTION to read as  
6 follows:

7       Any disclosure made by the secretary of revenue in a good faith effort to comply with this  
8 Act is not a violation of any statute prohibiting disclosure of taxpayer information.

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

400T0407

## HOUSE APPROPRIATIONS ENGROSSED NO. **HB 1041** - 1/26/2012

Introduced by: The Committee on Appropriations at the request of the Bureau of Finance and Management

1 FOR AN ACT ENTITLED, An Act to authorize a carryover of the fiscal year 2012 state aid to  
2 special education appropriation to fiscal year 2013 for the purpose of maintaining federal  
3 maintenance of effort levels.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. Notwithstanding the provisions of §§ 4-8-19, 13-37-40, and 13-37-45, any  
6 unencumbered funds appropriated from the state general fund by subdivision (3) of section 12  
7 of chapter 23 of the 2011 Session Laws for state aid to special education, equal to an amount  
8 necessary to meet the federal maintenance of effort requirement, shall be carried forward to  
9 fiscal year 2013.

10 Section 2. This Act is effective June 20, 2012.



# State of South Dakota

## EIGHTY-SEVENTH SESSION LEGISLATIVE ASSEMBLY, 2012

400T0248

### HOUSE ENGROSSED NO. **HB 1049** - 1/24/2012

Introduced by: The Committee on Judiciary at the request of the Department of the Military

1 FOR AN ACT ENTITLED, An Act to add certain definitions regarding the Department of the  
2 Military.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 33-1-1 be amended to read as follows:

5 33-1-1. ~~As~~ Terms used in chapters 33-1 to 33-15, inclusive, ~~unless the context otherwise~~  
6 ~~plainly requires~~ mean:

7 (1) "Armed forces," includes the United States Army, the United States Navy, the United  
8 States Marine Corps, and the United States Air Force;

9 (2) "Department of Defense," ~~means~~ the Department of Defense, the Department of the  
10 Army, Department of the Navy, or the Department of the Air Force, as appropriate  
11 under the laws of the United States; ~~and~~

12 (3) "Secretary of defense," ~~means~~ the secretary of defense, the secretary of the army, the  
13 secretary of the navy, or the secretary of the air force, as appropriate under the laws  
14 of the United States;

15 (4) "Servicemember," any member serving in an active duty status in the armed forces





1 of the United States, National Guard, or the Reserves;

2 (5) "Active duty," service pursuant to United States Code Title 10 or full-time National  
3 Guard duty pursuant to United States Code Title 32 § 502(f)(2) as of January 1, 2012,  
4 for the purpose of homeland defense operations or for state active duty pursuant to  
5 § 33-9-1; and

6 (6) "Deployment," the temporary transfer of a servicemember serving in active duty  
7 status to a location other than the servicemember's normal place of duty or residence  
8 in support of combat or military operations. The term includes the mobilization of  
9 a National Guard or Reserve servicemember to extended active duty status at any  
10 continental United States installation in support of military operations. The term does  
11 not include National Guard or Reserve annual training.

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

771T0022

## HOUSE LOCAL GOVERNMENT ENGROSSED NO. **HB 1088** - 1/26/2012

Introduced by: Representatives Street, Bolin, Deelstra, and Rausch and Senators Krebs, Frerichs, and Nelson (Tom)

1 FOR AN ACT ENTITLED, An Act to revise certain requirements for charging and collecting  
2 certain fees for confining certain people in the county jail.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 24-11-8 be amended to read as follows:

5 24-11-8. If any person is confined in any county jail by authority of the United States or of  
6 any state or territory other than this state or any county other than the county in which ~~such~~ the  
7 county jail is located, the sheriff, ~~jailer~~, or other person in charge of the jail, ~~shall~~ may charge  
8 and collect, ~~in a sum fixed by the county in~~ addition to the charges allowed by law for ~~persons~~  
9 any person confined by authority of ~~his own~~ the county, a sum necessary to fully compensate  
10 and reimburse the county for money actually and necessarily expended for ~~fuel, light, utilities~~  
11 and other expenses in the keeping of ~~such~~ the person, including the expense of building  
12 depreciation, administration, and a reasonable charge for obsolescence of the facility and all  
13 other tangible and intangible costs, to the county. The amount of the expense shall be fixed by  
14 the board of county commissioners and collected by the sheriff or other person in charge of ~~such~~



- 1 the county jail in the manner and at the time other charges provided by law are ~~by him~~ collected.
- 2 Upon collection of the money, the ~~sheriff shall turn it over to the county treasurer of the county.~~
- 3 ~~The~~ money collected for building depreciation, and tangible and intangible costs ~~shall~~ may be
- 4 deposited into a special jail building fund. Moneys in the special jail building fund may only be
- 5 used to make capital improvements to the existing jail or for the building of a new jail.

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

672T0481

## HOUSE HEALTH AND HUMAN SERVICES ENGROSSED NO. **HB 1183** - 1/31/2012

Introduced by: Representatives Kirkeby, Dennert, Haggar, Hickey, Jensen, Lucas, Magstadt, Munsterman, Novstrup (David), and Sly and Senators Hansen (Tom), Bradford, Hunhoff (Jean), Kraus, Rampelberg, and Schlekeway

1 FOR AN ACT ENTITLED, An Act to limit copayment or coinsurance amounts for physical and  
2 occupational therapy services.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 58-17-54.1 be amended to read as follows:

5 58-17-54.1. No health insurer may impose any copayment or coinsurance amount on an  
6 insured for services rendered by a doctor of chiropractic licensed pursuant to chapter 36-5, an  
7 occupational therapist licensed pursuant to chapter 36-31, or a physical therapist licensed  
8 pursuant to chapter 36-10 that is greater than the copayment or coinsurance amount imposed on  
9 the insured for the services of a primary care physician or practitioner for the same or a similar  
10 diagnosed condition even if a different nomenclature is used to describe a condition.

